

Message Text

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INFO USMISSION BERLIN

AMEMBASSY BONN

AMCONSUL LENINGRAD

AMEMBASSY LONDON

AMEMBASSY PARIS

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C O N F I D E N T I A L MOSCOW 11783

E.O. 11652: GDS

TAGS: PFOR, PGOV, GW, UB, UR, UK, WB

SUBJ: SOVIETS PROTEST FRG EXTENSION OF HAGUE

CONVENTION TO WEST BERLIN

REF: BONN 11056

1. YE. S. ANTIPOV, COUNSELOR IN THE MFA'S USA DIVISION, CALLED IN ACTING POLCONS GRAVES TODAY TO DELIVER A SOVIET ORAL STATEMENT CONCERNING THE FRG'S EXTENSION OF THE HAGUE CONVENTION ON HIJACKING TO WEST BERLIN. ANTIPOV SAID THAT SOVIET FONMIN GROMYKO HAD DELIVERED THE SAME STATEMENT TO THE FRG AMBASSADOR EARLIER IN THE DAY AND THAT IT WOULD ALSO BE CONVEYED TO THE BRITISH AND FRENCH.

2. THE STATEMENT CLAIMED THAT UNDER THE TERMS OF THE QA, THE FRG DOES NOT HAVE THE AUTHORITY TO EXTEND THIS
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CONVENTION TO WEST BERLIN, AND THAT THE SOVIETS WOULD

CONSIDER SUCH A MOVE BY THE FRG TO BE AN ILLEGAL ACT.

3. FULL RUSSIAN TEXT BEING POUCHED TO DEPARTMENT.

UNOFFICIAL EMBASSY TRANSLATION FOLLOWS:

THE SOVIET SIDE HAS CAREFULLY STUDIED THE JURIDICAL AND POLITICAL ASPECTS OF THE QUESTION CONNECTED WITH THE INTENTION OF THE FEDERAL REPUBLIC OF GERMANY TO EXTEND TO WEST BERLIN THE HAGUE CONVENTION OF 1970 CONCERNING THE STRUGGLE AGAINST THE ILLEGAL SEIZURE OF AIRCRAFT.

BY ITS CONTENT THE ABOVE CONVENTION DIRECTLY AFFECTS QUESTIONS OF STATUS AND SECURITY. IN PARTICULAR, IT TOUCHES UPON THE ESTABLISHMENT OF JURISDICTION OVER A COMMITTED CRIME AND THE MEASURES NECESSARY FOR THE ARREST OF THE ALLEGED CULPRIT, ETC. AS IN KNOWN, THIS SORT OF INTERNATIONAL AGREEMENT CANNOT BE EXTENDED BY THE FEDERAL REPUBLIC OF GERMANY TO WEST BERLIN SINCE THIS WOULD DIRECTLY CONTRADICT THE QUADRILATERAL AGREEMENT OF SEPTEMBER 3, 1971.

THE RIGHTS AND DUTIES TREATED IN THE CONVENTION ARE A MANIFESTATION OF THE SOVEREIGNTY OF A STATE. THESE RIGHTS AND DUTIES CANNOT BE IMPLEMENTED ON TERRITORY WHICH IS NOT UNDER ITS JURISDICTION. THE ATTEMPT OF THE FEDERAL REPUBLIC OF GERMANY TO EXTEND THE CONVENTION TO WEST BERLIN DOES NOT HAVE ANY FOUNDATIONS SINCE IN ACCORD WITH THE QUADRILATERAL AGREEMENT THIS CITY IS NOT A COMPONENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND CANNOT BE ADMINISTERED BY IT.

THE SOVIET SIDE WOULD ALSO WISH TO DIRECT ATTENTION TO THE FACT THAT QUESTIONS OF PROVIDING AIR SECURITY ARE A SUBJECT OF THE CONVENTION. IT IS WELL KNOWN TO THE WEST GERMAN SIDE THAT THE FEDERAL REPUBLIC OF GERMANY CANNOT HAVE ANY AUTHORITY IN SUCH MATTERS WHENEVER WEST BERLIN IS CONCERNED.

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POWERS CHANGE NOTHING IN THE SUBSTANCE OF THE PROBLEM. QUESTION OF AIR SECURITY IN THE AREA OF WEST BERLIN CANNOT BE DECIDED BY CONTACTS OF THE FEDERAL REPUBLIC OF GERMANY WITH THE THREE POWERS, BUT ARE THE PREROGATIVE OF THE FOUR POWERS. IN ADDITION, THE RESERVATIONS MADE BY THE THREE POWERS ARE IN THEIR CONTENT AIMED ONLY AT PROTECTION OF THEIR RIGHTS AND INTERESTS IN WEST BERLIN. THEY WOULD NOT FORESTALL

VIOLATIONS OF THE QUADRILATERAL AGREEMENT IN THE CASE
OF EXTENSION OF THE CONVENTION TO THIS CITY BY
THE FEDERAL REPUBLIC OF GERMANY.

PROCEEDING FROM THE ABOVE, THE SOVIET SIDE WILL
REGARD ANY ATTEMPT BY THE FEDERAL REPUBLIC OF
GERMANY TO EXTEND THE HAGUE CONVENTION TO WEST
BERLIN AS AN ILLEGAL ACTION. THE ABOVE ALSO FULLY
APPLIES TO THE STATEMENT WHICH THE GOVERNMENT OF
THE FEDERAL REPUBLIC OF GERMANY, ACCORDING TO THE
STATEMENT OF ITS EMBASSY, PROPOSES TO MAKE CONCERNING
THE DEPOSIT OF THE INSTRUMENTS OF RATIFICATION
OF THE CONVENTION.
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